

Applicants: Smits et al.  
Serial No. 10/045,850  
Page 10 of 11

### REMARKS

Pursuant to the Office Action claims 1-8, 13-15, and 17-25 are pending in the application, claims 1-8, 13-14, 18-21 and 23-25 stand allowed, claims 15, 17, and 22 are rejected under 35 U.S.C. §112, second paragraph.

#### **I. Claim Rejections Under 35 U.S.C §112**

Claims 15, 17 and 22 stand rejected under 35 U.S.C §112, second paragraph, because the Examiner asserts that said claims are confusing. In particular, the Examiner states that while claim 13 defined the elongated tubular member as an element distinct from the wire coil claim 15 states that they are a single element, thus rendering the claim confusing. The Examiner asserts that a similar problem exists with respect to claims 17 and 22.

Applicants first of all respectfully assert that claims 15, 17 and 22 are fully supported in the application as filed. At the very least adequate support may be found at page 10, lines 8-14 of the specification, to wit:

The proximal segments of each such deflectable wire comprises an elongated tubular member that can be formed of a solid tube of metal or reinforced plastic. Alternatively, the elongated tubular member and wire coil are formed of a single elongated wire coil having proximal and distal segments, and the wire coil turns in the proximal segment are tightly wound and/or welded together at spaced apart longitudinal and radial locations to create torque control while maintaining flexibility. (emphasis added.)

However, in view of the comments lodged by the Examiner regarding claims 15, 17 and 22 Applicants herein amend said claims to direct said claims to the types of materials and configuration of the elements thereof.

Applicants respectfully request that the Examiner enter the amendments to claims 15, 17 and 22, withdraw the present ground of rejection asserted against these claims, and allow all pending claims.

Applicants: Smits et al.  
Serial No. 10/045,850  
Page 11 of 11

**II. Allowable Claims**

The Examiner has indicated that claims 1-8, 13, 14 18-21 and 23-25 are allowable. In addition, Applicants respectfully assert that claims 15, 17 and 22 are now also in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance so that all remaining pending claims of the application may proceed to timely issuance as U.S. Letters Patent.

**III. Conclusion**

The amendments and modifications of any claim herein occurred as a matter of form and convenience and, unless otherwise indicated, each such amendment or modification was tendered for reasons not related to patentability of the subject matter herein claimed.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Date

12-Aug-04

  
Paul H. McDowell  
Reg. No. 34,873  
(763) 514-3351  
Customer No. 27581